

ANNEX C

CONCEPT PAPER

INTER-SESSIONAL MEETING ON COUNTER-TERRORISM AND TRANSNATIONAL CRIME

Background

The issue of terrorism and related transnational crimes has clearly emerged as a priority issue for the ARF. Reflecting ARF's strong commitment to work together in addressing counter-terrorism and related transnational crimes, consensus has been reached at the ARF SOM for the establishment of an inter-sessional mechanism on international terrorism and trans-national crimes. The ARF SOM also took note of the on-going consultations on the modalities and scope of the proposed ISG as well as its Co-Chairmanship.

In line with this decision, the United States and Malaysia have prepared this Concept Paper for consideration and adoption by the 9th ARF in Brunei Darussalam in July 2002.

Basic Principles

A regular ARF process for addressing counter-terrorism and transnational crimes which are directly related to terrorism should be outcome-oriented, issue-driven, and aim at addressing real needs in the Asia-Pacific region. It should not be primarily a forum for generalized discussion of the whole range of terrorism-related concerns. It must not duplicate the work of pre-existing expert-level mechanisms. However, recognizing the ARF's pre-eminent role in developing political consensus on counter-terrorism (C/T) policy and developing the foundations for C/T policy coordination and cooperation, the ARF process must be well-informed on the actions and needs of these mechanisms.

Therefore, the proposed ARF process should be guided at the policy level by officials directly responsible for national counter-terrorism policy (i.e., national counter-terrorism coordinators) supported by policy-level officials from other ministries/agencies responsible for specific aspects of the C/T effort. Policy recommendations arising from the proposed ARF process would be submitted to the ARF Senior Officials and Ministers for endorsement.

In line with the Second ARF Chairman's Report that Inter-Sessional Meetings (ISMs) are to be convened for ARF cooperative activities, it is recommended that ARF cooperative activities in counter-terrorism and transnational crime be coordinated by an Inter-Sessional Meeting on Counter Terrorism and Transnational Crime (ISM on CT-TC).

Meanwhile, the proposed ARF process will be guided by principles of making decisions by consensus, participating on equal footing and on voluntary basis.

Terms of Reference

In line with the above basic principles the terms of reference of the ISM on CT-TC are as follows:

- i. Each session of the ISM on CT-TC should focus narrowly on a dimension of counter-terrorism policy and related transnational crime agreed by the co-chairs and participants as requiring particular attention and coordination among ARF participants.
- ii. The objective of the ISM on CT-TC should be to propose specific common policies to counter-terrorism and related transnational crimes for national and cooperative implementation by the ARF participants.
- iii. The ISMs on CT-TC will assess the state of counter-terrorism action and cooperation against transnational crime in the region with a view to identifying a priority area for consideration and policy development prior to the next meeting. Such a review will be based on an assessment of needs as developed in the UN CTC's review of reports on compliance with UNSCR 1373.
- iv. The ISMs on CT-TC will review reports of other counter-terrorism and transnational crime related activities conducted in the context of the ARF such as workshops, training, exercises, etc. The ISM on CT-TC will seek to guide such efforts so that they complement decisions taken with respect to policy coordination or planned future policy discussions.
- v. The ISM on CT-TC will meet at least annually but perhaps more frequently should it be necessary.

Chain of Command

The ISM on CT-TC will report to the ARF Senior Officials Meeting and, through the SOM, to the ARF Ministerial. Ministers will provide final approval and authorize release of agreements adopted by the ISM on CT-TC as well as decide on the continuation of its mandate and may provide other guidance as appropriate.

Co-Chairmanship

The ISM on CT-TC will be co-chaired by ASEAN and non-ASEAN participants. The term of chairmanship shall be one year or decided upon consensus by ARF participants when necessary. Subject to endorsement of the 9th ARF in July 2002, the U.S. and Malaysia are prepared to serve as Co-Chairmen of the ISM on CT-TC.